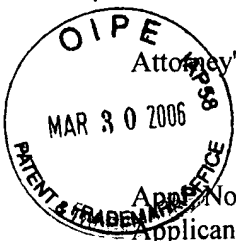


03-31-06



Attorney's Docket No. 043474/256751

PATENT

AF\$
T/PW

In The United States Patent And Trademark Office

Applicant No.: 09/698,077 Confirmation No.: 3296
Applicant(s): Kenneth Wills
Filed: October 30, 2000
Art Unit: 3663
Examiner: Matthew Luu
Title: METHODS AND SYSTEM FOR INFORMATION SEARCH AND RETRIEVAL

Docket No.: 043474/256751
Customer No.: 00826

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION - 37 C.F.R. § 41.37)

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on January 30, 2006.
2. ☐ Applicant claims small entity status.
3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:
☐ small entity \$250.00
☒ other than small entity \$500.00
Appeal Brief fee due \$500.00
☒ Fee is Enclosed
☐ Please charge the fee to Deposit Account 16-0605.
☒ Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,

Chad L. Thorson
Registration No. 55,675

CUSTOMER NO. 00826

ALSTON & BIRD LLP

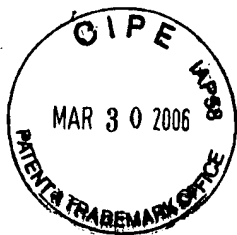
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

"Express Mail" mailing label number EV 521117065 US
Date of Deposit March 30, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Appeal Brief-Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Gwen Frickhoeffter

CLT0174808132v1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/698,077 Confirmation No.: 3296
Applicant(s): Kenneth Wills
Filed: October 30, 2000
Art Unit: 3663
Examiner: Matthew Luu
Title: METHODS AND SYSTEM FOR INFORMATION SEARCH AND
RETRIEVAL

Docket No.: 043474/256751
Customer No.: 00826

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed January 30, 2006.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Travelocity.com LP, the assignee of the above-referenced patent application. Travelocity.com LP is currently a wholly-owned subsidiary of Sabre Inc.

2. ***Related Appeals and Interferences.***

Related U.S. Patent Application No. 10/367,001 to Kenneth Wills entitled METHODS AND SYSTEM FOR INFORMATION SEARCH AND RETRIEVAL is currently under appeal with Examiner Javid Amini in art unit 2672.

3. ***Status of Claims.***

The present application currently includes Claims 29, 30, 32, 33 and 35-39, which all stand rejected.

4. ***Status of Amendments.***

There are no unentered amendments in this application.

5. ***Summary of Claimed Subject Matter.***

The present invention relates to methods for retrieving information, and for searching and retrieving information. *See* Pat. Appl., page 13, line 22 – page 17, line 17; and Fig. 7. The method includes sending or receiving a request identifying a first site, and range data defining a distance from the first site. For example, with the method of the claimed invention, a user may send the following request: “I want to know about Italian restaurants within 5 miles of Niagara Falls.” *Id.* at page 14, lines 8-9. After sending or receiving the request, trip planning information is selected based on the identified site(s) (e.g., Niagara Falls) and the range data (e.g., 5 miles), and thereafter received or otherwise output.

In an embodiment according to independent Claims 29 and 38, the request identifies two sites of interest (e.g., Flagstaff and Phoenix) and a type of location of interest that the user may wish to visit when traveling between the two sites (e.g., hotels, restaurants, etc.). *Id.* at page 15, lines 6-13. In response to such a request, information associated with the first and second sites is selected based upon the type of location of interest and, if so desired, using a geometric shape (e.g., rhombus) generated based upon the first and second sites. *Id.* The geometric shape is generated based on a first distance value representing the distance between the first and second sites and a second distance value representing a function performed on the first distance value. *Id.* at page 15, lines 9-13.

In yet another embodiment according to independent Claims 32 and 35, the request identifies a site and a type of location of interest, where trip planning information is selected based upon the site, the type of location of interest, and a range that may be variable. In this regard, the range can be determined based upon stored information associated with the type of

location of interest, e.g., whether the location of interest is the Empire State Building or Yellowstone National Park. *See*, e.g., Pat. App. p. 14, lines 20-25. In addition, the range is variable in that it can be varied based on the number of locations of interest located within a predetermined distance of the site. In this regard, the range can be increased if the trip planning information for the current range does not include sufficient information relating to the identified type of location of interest. *See id.* at page 15, line 24 – page 16, line 2; and page 16, lines 17 – 24.

6. ***Grounds of Rejection to be Reviewed on Appeal.***

Claims 29, 30, 38 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellesfield et al. (U.S. Patent No. 6,498,982, hereinafter “Bellesfield”) in view of DeLorme et al (U.S. Patent No. 5,802,492, hereinafter “DeLorme”). Claims 32, 33 and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouve et al. (U.S. Patent No. 5,682,525, hereinafter “Bouve”) in view of DeLorme.

7. ***Argument.***

A. Description of Cited Prior Art

Bellesfield discloses an automated travel planning apparatus and method that includes a map database, a routing database and a places of interest database. In operation, upon receipt of a selected geographic region, the apparatus displays a bit-mapped image of the region from images in the map database. A user then selects a departure and destination point, and the routing database is used to generate a route between the selected departure and destination points. Also, if the user requests a list of places of interest near the route, the places of interest database can be utilized to generate a list of places of interest that are within a predetermined distance of the generated route. In this regard, the places-of-interest database organizes the places according to common geographic centers, which may comprise the cities with which the respective places are most commonly associated. More particularly, then, the list of places of

interest are generated according to geographic centers within the predetermined distance of the route between the departure and destination points.

DeLorme discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan, revise or edit travel plans. The users can also preview alternate routes, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. For example, the system can include a point-of-interest database that allows users to select types of attractions or accommodations within a user-defined region around routes of travel.

Bouve discloses a system and method for remotely accessing a selected group of items of interest from a database. As described, a user can access a common database from a remote communications port, at any qualified location, to generate a map or other positional information which locates selected items of interest, e.g., businesses, stores, architectural sites, and the like. The database contains information representing the items of interest, including, for each item of interest, positional coordinates of the item, a geographic vicinity of the item, and a selected category of the item. The positional coordinates discretely locate the vicinity, while the vicinity specifies the exact locations of the items of interest in the selected category. For example, a user can select the display of sporting shops in the area surrounding Chicago O'Hare International Airport. In this regard, Bouve discloses displaying a geographic vicinity about the user or a desired destination. More particularly, Bouve discloses that the scope of the geographic vicinity for the items of interest is generally within walking distance of the user or desired destination. Column 6, lines 59-60 (although, at column 11, lines 11-14, Bouve does indicate that the user can select a greater radius for display or another destination location).

B. Claims 29, 30 and 38, 39 are Patentable over Bellsfield/DeLorme

As recited by amended independent Claims 29 and 38, a method is provided for retrieving information, and searching and retrieving information, respectively. The method includes sending or receiving a request identifying at least a first site, a second site and a type of location of interest. Thereafter, information associated with the first and second sites is received or sent, where the information is selected based upon the type of location of interest. In

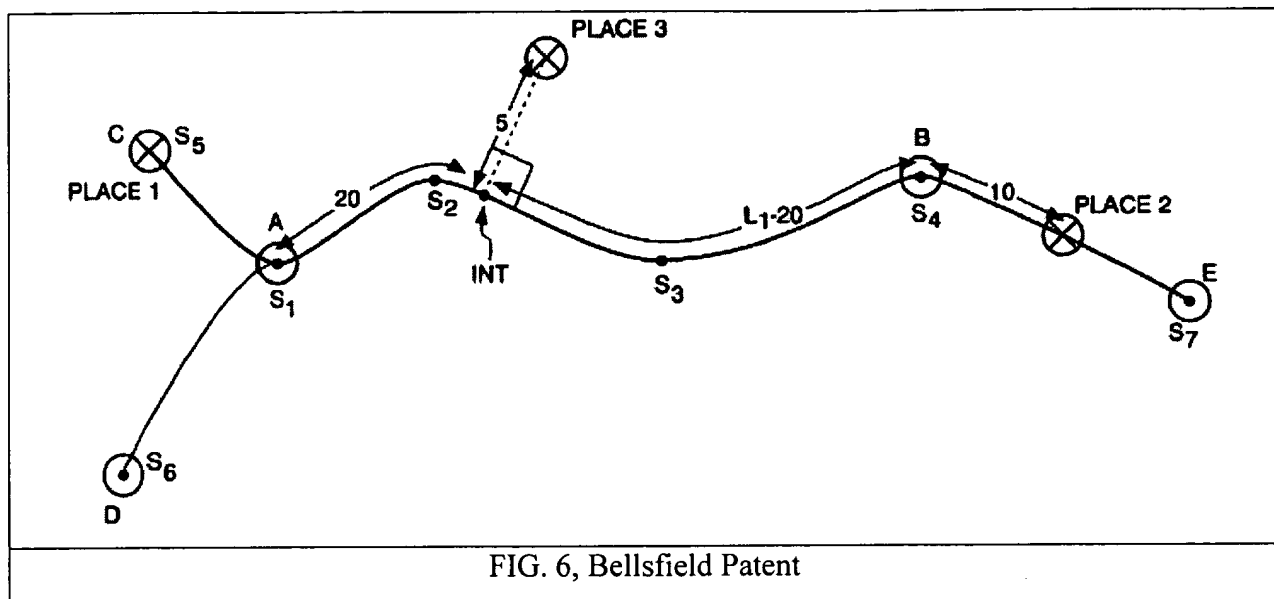
independent Claim 29 recites that the information is selected using a geometric shape generated based upon the first and second sites, and independent Claim 38 specifically recites generation of the geometric shape. More particularly, as amended, the geometric shape has been generated (Claim 29) or is generated (Claim 38) based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value.

In contrast to the claimed invention of amended independent Claims 29 and 38, neither Bellsfield nor DeLorme, individually or in combination, teach or suggest selecting information using a geometric shape generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value, or accordingly generating such a geometric shape. As an initial matter, Applicants query as to whether Bellesfield even discloses a geometric shape. The final Office Action states that FIG. 6 of Bellesfield shows a method that generates “a geometric curve shaped route” between first and second sites. However, Applicants respectfully submit that although a curve certainly has a shape, the curve is not a geometric shape. A geometric shape is not formed until a shape obeying the laws of geometry (e.g., having a determinable area) is formed. As such, contrary to the Examiner’s allegations, Bellesfield does not disclose creation of a geometric shape, as recited in the claims.

Notwithstanding the above, Bellesfield further fails to teach or suggest creation of a geometric shape that is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value as claimed in independent claims 29 and 38. The Office Action alleges that the recited feature corresponds to Bellsfield’s disclosure of the distance between a point C and a destination point A (i.e., $C + A$), and the distance between point C and destination point A plus an additional destination point B (i.e., $C + A + B$) (see FIG. 6 of Bellesfield below). Applicants respectfully disagree.

As recited by the claimed invention, a request is sent or received that identifies at least a first site, a second site and a type of location of interest, with information selected using the aforementioned geometric shape being thereafter received or sent. The geometric shape is

generated based on a first distance value representing the distance between the first and second sites and a second distance value representing a function performed on the first distance value. Bellesfield fails to teach or suggest at least that the geometric shape is generated based on a second distance value representing a function performed on the first distance value. For the sake of comparison only, consider the example presented by the Office Action. Even if it is assumed that the distance between a point C and a destination point B (i.e., $C + B$) is analogous to the first distance value and the distance between point C and point A is analogous to the second distance value, the distance between point C and destination point A is not based on a function performed on the distance from point C to point B (i.e., the first distance). Instead, the distance between point C and destination point B plus an additional destination point A (i.e., $C + A + B$) merely represents the first distance ($C + B$) with a waypoint A inserted along the route between the start point C and destination point B. Thus, Bellesfield discloses a route generated based only on a first distance value being the distance between the first and second sites, and not based on a second distance value representing a function performed on the first distance value. Since Bellesfield fails to teach or suggest any function performed on the distance between point C and destination point B to determine the distance between point C and point A, Bellesfield fails to teach or suggest creation of a geometric shape that is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value as claimed in independent claims 29 and 38.



The Office Action further alleges that DeLorme also discloses the aforementioned feature of the claimed invention. More particularly with reference to FIG. 5A of DeLorme, the Office Action alleges that DeLorme discloses generating a circle about a first site such that a second site corresponds to any location on the circle, the circle's radius R corresponding to the recited first distance value representing the distance between the first and second sites. The Office Action then alleges that DeLorme discloses a user resizing the radius R and thus the circle, where the distance between the first site and a location on the larger radius corresponds to the recited second distance value. Again, Applicants respectfully disagree.

Even if a location on the circle of radius R could reasonably correspond to the recited second site, and even if the radius R could reasonably correspond to the recited first distance value, DeLorme does not teach or suggest that the circle is also generated based upon a second distance value representing a function performed on the first distance value, as is the geometric shape of the claimed invention. In fact, DeLorme does not teach or suggest that the circle about the first site is generated based upon any value other than the radius R . The Office Action seems to suggest that if the user increases the radius of the circle to a larger radius (referred to herein as $R+$), that larger radius corresponds to the second distance value. Increasing the radius of the circle, however, generates a new circle having radius $R+$, which is still the only distance value

upon which the larger circle is generated. Thus, at any given instance, the circle about the first site is generated based upon only the radius of the respective circle (R or R+), and not based upon two distance values, whether the recited first and second distance values as in the claimed invention or otherwise.

Since neither Bellesfield nor DeLorme, teach or suggest that the geometric shape is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value as claimed in independent claims 29 and 38, Applicants respectfully submit that the claimed invention of independent Claims 29 and 38, and by dependency Claims 30 and 39, are patentably distinct from Bellsfield and DeLorme, taken individually or in combination. Accordingly, Applicants respectfully request that the rejection of Claims 29, 30 and 38, 39 as being unpatentable over Bellsfield in view of DeLorme be reversed.

C. Claims 32, 33 and 35-37 are Patentable over Bouve/DeLorme

Independent Claims 32 and 35 of the present application recite methods for searching and retrieving information, and for retrieving information, respectively. As recited, the methods include receiving or sending a request including a site and a type of location of interest. Then, trip planning information is provided or received based upon the site, the type of location of interest, and a range. As recited by independent Claim 35, the range is variable. More particularly, as recited by independent Claim 32, the range is determined, including being varied based on the number of locations of interest located within a predetermined distance of the site. In addition, the range is based upon stored information associated with the type of location of interest, e.g., whether the location of interest is the Empire State Building or Yellowstone National Park. *See*, e.g., Pat. App. p. 14, lines 20-25.

In contrast to the methods of independent Claims 32 and 35, neither Bouve nor DeLorme, individually or in combination, teach or suggest providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest. The Office Action alleges that Bouve discloses

the aforementioned feature, citing column 6, lines 39-60 as support for its allegation. In contrast to the allegations of the Office Action, however, Applicants respectfully submit that Bouve fails to teach or suggest this feature of the claimed invention, as explained below.

For the sake of comparison only, the scope of the vicinity about either the user location or a desired location, as disclosed by Bouve, can be considered to most readily correspond to a range, as recited by the claimed invention. In contrast to the methods of independent Claims 32 and 35, Bouve fails to teach or suggest that the range (i.e., scope of the vicinity) is based upon stored information associated with a type of location of interest (e.g., businesses, stores, architectural sites, etc.). Rather, Bouve defines the range (i.e., scope of the vicinity) as being set based upon a walking distance of the user, irrespective of the type of location of interest. Accordingly, Bouve fails to teach or suggest providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest as claimed in independent Claims 32 and 35.

Similar to Bouve, Applicants respectfully submit that DeLorme does not teach or suggest providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest, as recited by the claimed invention. Furthermore, the Office Action does not cite DeLorme as disclosing such feature.

Accordingly, since neither Bouve nor DeLorme individually teach or suggest the above recited feature of the claimed invention, the combination of Bouve and DeLorme likewise does not teach or suggest this feature. Applicants therefore respectfully submit that independent Claims 32 and 35, and by dependency Claims 33, 36 and 37, are patentably distinct from Bouve and DeLorme, taken individually or in combination. Accordingly, Applicants respectfully request reversal of the rejection of Claims 32, 33 and 35-37 as being unpatentable over Bouve in view of DeLorme.

8. ***Claims Appendix.***

The claims currently on appeal are as follows:

29. A method for retrieving information, comprising:
sending a request identifying at least a first site, a second site and a type of location of interest; and

receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites, the geometric shape having been generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value.

30. The method of claim 29, wherein the information includes information related to locations of interest that are associated with the type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape.

32. A method for searching and retrieving information, comprising:
receiving a request including a site and a type of location of interest;
determining a range for the site based on stored information associated with the type of location of interest, wherein determining a range includes varying the range based on the number of locations of interest located within a predetermined distance of the site; and
providing trip planning information based on the range, the type of location of interest and the site.

33. The method of claim 32, wherein the trip planning information includes locations of interest located within the range of the site, and wherein the locations of interest are associated with the type of location included in the request.

35. A method for retrieving information, comprising:
sending a first request including a site and a type of location of interest; and

receiving trip planning information selected based on a range, the site and the type of location of interest, wherein the range is variable and is based on stored information associated with the type of location of interest.

36. The method of claim 35, wherein the trip planning information includes locations of interest located within the range of the site, and wherein the locations of interest are associated with the type of location of interest included in the request.

37. The method of claim 36, wherein the range is based on the number of locations of interest located within a predetermined distance of the site.

38. A method for searching and retrieving information, comprising:
receiving a request identifying at least a first site, a second site and a type of location of interest;

generating a geometric shape based on the first and second sites, wherein generating the geometric shape includes:

determining a first distance value between the first and second sites;
performing a function on the first distance value to produce a second distance value; and

generating the geometric shape based on the first and second distance values; and
sending information associated with the first and second sites and selected based on the type of location of interest.

39. The method of claim 38, wherein sending information includes:
collecting information related to locations of interest that are associated with the type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape.

In re: Kenneth Wills

Appl. No.: 09/698,077

Filing Date: October 30, 2000

Page 12

9. ***Evidence Appendix.***

None.

In re: Kenneth Wills

Appl. No.: 09/698,077

Filing Date: October 30, 2000

Page 13

10. ***Related Proceedings Appendix.***

None.

CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that the rejections be reversed.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

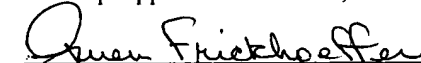


Chad L. Thorson
Registration No. 55,675

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

"Express Mail" mailing label number EV 521117065 US
Date of Deposit March 30, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:
Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Gwen Brickhoeffer